

U.S. Department of Homeland Security
500 12th Street, SW
Washington, D.C. 20536



U.S. Immigration and Customs Enforcement

MEMORANDUM FOR: Field Office Directors SEP 04 2009
Deputy Field Office Directors
Deputy Assistant Directors

FROM: (b)(6),(b)(7)(C)
Acting Director (b)(6),(b)(7)(C)

SUBJECT: Designation of Cold Case Fugitive
Files and the Creation of a
Fugitive Docket for the Fugitive
Operations Support Center

Purpose

This memorandum establishes the Standard Operating Procedure (SOP) for designation of Cold Case Fugitive (CCF) files and creates a Fugitive Operation Support Center (FOSC) docket. Currently, all fugitive alien files are designated as active cases in field investigative status and considered part of the fugitive alien backlog regardless of case viability. Pursuant to this memorandum, CCF files will be removed from active field investigative status and will be assigned to a cold case docket assigned to FOSC; thereby eliminating cold cases from the fugitive alien backlog. The creation of CCF files and a corresponding FOSC docket redirects field enforcement efforts toward viable fugitive cases.

Background

The National Fugitive Operations Program's (NFOP) primary mission is to reduce the fugitive alien backlog in the United States. A fugitive alien case is removed from the backlog when one or more of the following occurs: i) the target is arrested; ii) it is determined that the target has self-removed; iii) it is determined that the target is currently incarcerated; iv) the target's immigration status has changed and is no longer removable; or. v) the target has died. Currently, absent any of the aforementioned events, a case remains part of the fugitive alien backlog and on field dockets regardless of: i) the age of the case; ii) lack of identifying information; or. iii) lack of viable information on the target.

51. Print the form:

- a. Press the "Select Prop / Subj" button
- b. Under Contraband Merchandise or Other select "Prt?" and "Other Blk"
 - i. If you have multiple items, only select the ones that you want to print on the I-44.

****Print separate forms for property and people if there is a person that is to be turned over to another agency.**

(b)(7)(E)

If the subject is going to be turned over to another agency:

52. Under subject: select "Prt?" and "Name Blk"
 - a. If you have multiple subjects, only select the ones that you want to print on the I-44.
53. Use the "Print" button next to the "Narrative" button to print the I-44.

(b)(7)(E)

Your I-44 is now complete: All signed copies should be retained in the A file or prosecution file if applicable.

U.S. Department of Homeland Security
2511 Street, NW
Washington, DC 20536



U.S. Immigration
and Customs
Enforcement

MEMORANDUM FOR: James T. Hayes, Jr.
Director
Office of Detention and Removal Operations

THROUGH: Gregory J. Archambeault *Gregory J. Archambeault*
Assistant Director (Acting)
Enforcement

THROUGH: Michael T. Phillips *Michael T. Phillips*
Deputy Assistant Director (Acting)
Compliance Enforcement Division

FROM: (b)(6), (b)(7)(C)
Unit Chief, FOOSC
Compliance Enforcement Division

SUBJECT: Humanitarian Resolution Procedures for Elderly Fugitives

Purpose

This memorandum proposes a procedure for resolving fugitive cases where the fugitive is seventy years old or older and non-criminal. It is proposed that the Fugitive Operation Support Center (FOOSC) would be authorized to place this group of fugitives in a final order case category and place, "Deferred Action/Humanitarian Consideration" in Case Comments.

Background

There are Humanitarian Health concerns with fugitive aliens seventy years old or older that are non-criminal. Currently, this group of fugitive case remains in a fugitive cases category even if the Field has determined to utilize prosecutorial discretion. Leaving them in a fugitive case category skews the fugitive backlog number, as these cases should not be considered an active fugitive case.

Discussion

In furtherance of its mission, DRO's National Fugitive Operations Program's (NFOP) main responsibility is to promote public safety and national security by the continued pursuit of criminal fugitives; ensuring the location, arrest and case closure of all removable fugitive aliens through the fair enforcement of the nation's immigration laws.

The proposed removal of these cases (estimated 5,000 cases) from a fugitive case category to a final order case category will enhance the efficiency and effectiveness of the Fugitive Operations Teams by directing enforcement efforts towards more viable fugitive cases. This proposed procedure would provide a checklist for the FOOSC staff to utilize as a guide in determining when an open fugitive case meets the criteria for placing it in a final order cases category. According to

Page 2 - Humanitarian Resolution Procedures for Elderly Fugitives

this procedure, FOOSC supervisors will ensure compliance with the following requirements: (1) fugitive cases are seventy years of age or older and; (2) the fugitive is non-criminal.

It will be the responsibility of the FOOSC supervisors to review and approve all cases that meet this case category change criteria. The following priorities will never be designated for Case Category Change:

- I. Fugitives that pose a threat to national security.
- II. Fugitives that pose a threat to the community.
- III. Fugitives that are convicted of violent felonies.

The FOOSC staff assigned to the case will be responsible for updating EARM and the Fugitive Case Management System.

Recommendation

Approve the case category change procedure for non-criminal fugitives that are seventy years old or older, as d

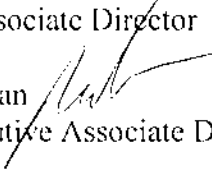
Approve date (b)(6),(b)(7)(C) Disapprove date _____
Modify date _____ Needs more discussion date _____

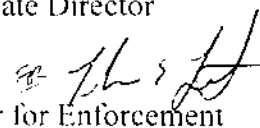
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U.S. Immigration
and Customs
Enforcement

MEMORANDUM FOR: Gary Mead
Executive Associate Director

THROUGH: Thomas Homan 
Deputy Executive Associate Director

FROM: Gregory J. Archambeault 
Acting Assistant Director for Enforcement

SUBJECT: Enforcement and Removal Operations Encounter Policy

Purpose

This memorandum requests approval of the Enforcement and Removal Operations (ERO) policy relating to documenting foreign born national encounters in the Enforcement Integrated Database (EID).

Background

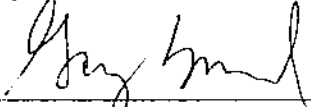
Beginning in 2009, the Office of Inspector General (OIG) conducted a review of the Criminal Alien Program (CAP). This review analyzed the effectiveness of the program in state facilities. In November of 2010, OIG issued a draft report of the findings along with recommendations. On February 10, 2011, the report, recommendations, and ICE responses became public.

Discussion

Recommendation 2 of the OIG report required that all screenings and identifications of foreign-born individuals incarcerated in Federal, State and local correctional facilities be documented and recorded in ENFORCE. Immigration and Customs Enforcement (ICE) concurred with this recommendation and wrote the attached policy that requires all screenings and identifications of foreign-born nationals be entered into the EID. The EID is a repository of all information entered through, ENFORCE, the EID Arrest GUI for Law Enforcement (EAGLE) and Customs and Border Protection's E3 database. Revisions of the ERO processing guide will be drafted once the policy is implemented in order to provide additional direction in support of this policy.

Recommendation

The Enforcement Division recommends approval and implementation of the attached ERO Encounter Policy.

Approve/date  Disapprove/date _____

Modify/date _____ Needs more discussion/date _____

Attachment

**U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT
AND REMOVAL OPERATIONS**

Policy Number: Enforcement and Removal Encounters

Issue Date:

Effective Date:

Review/Expiration Date:

Superseded: None

Federal Enterprise Architecture Number:

1. **Purpose/Background.** This directive identifies requirements and provides general procedures for using the Enforcement Integrated Database (EID) as ERO's electronic system of records for administrative processing of foreign born nationals. EID is the U.S. Department of Homeland Security's (DHS) shared database repository for several DHS law enforcement and homeland security applications and is currently accessed through the (b)(7)(E) application.
- 1.1 The purpose of the directive is to support the identification and arrest of individuals (both citizens and noncitizens) who commit violations of Federal criminal laws enforced by DHS.
2. **Policy.** All ERO law enforcement officers will document foreign born national encounters in the EID (e.g., using the (b)(7)(E) application).
3. **Definitions.**
 - 3.1. *Encounter:* the interview, screening, and determination of citizenship, nationality, and legal rights of any person in the United States at any time.
 - 3.2. *Interview:* a formal meeting in which a law enforcement officer questions a person believed to be an alien about citizenship, nationality, and the legal right to be in the United States.
 - 3.3. *Screening:* the process of verifying the identity of a person through biographic and or biometric identifiers.
 - 3.4. *Biographic identifiers:* personal information obtained from a person or third party (e.g., name, address, social security number, driver's license).
 - 3.5. *Biometric identifiers:* identity analysis of physical samples obtained from a person or provided by a third party (e.g., fingerprints).

3.6. *Enforcement action*: a law enforcement activity (e.g., encounter, investigative detention, arrest, bond) taken by DHS to address criminal or administrative violations.

4. Responsibilities.

4.1. The *Criminal Alien Division* is the Office of Primary Interest and is responsible for managing and overseeing compliance to this Directive.

4.2 All ERO law enforcement officers who encounter persons are responsible for documenting that encounter in the Enforcement Integrated Database (e.g., by using (b)(7)(E)).

5. Procedures.

5.1. *Law enforcement officers*:

- 1) Document encounters in the Enforcement Integrated Database (e.g., by using (b)(7)(E)).
- 2) Create only one encounter based on the same enforcement action for the same person. Enter any crime information necessary to correctly indicate a foreign born national's criminal offense level (e.g., in (b)(7)(E) through the CRIME ENTRY SCREEN).
- 3) Input as an encounter subjects found through investigation to be derived or naturalized citizens.
- 4) If you determine that a person initially detained as a possible alien is a United States citizen, notate the record with your determination and state that no further action will be taken.
- 5) Do not enter information about U.S. citizens interviewed or screened unless being investigated or arrested for administrative or criminal immigration law violations.

6. Authorities/References.

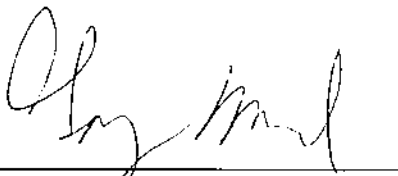
6.1. 6 U.S.C. §§ 101- 103, 111-113

6.2. 8 U.S.C. § 1357

6.3. 40 U.S.C. § 1315

6.4. 8 C.F.R. § 287

- 6.5. Immigration and Enforcement Operational Records System of Records, 75 Fed. Reg. 23,276 (May 3, 2010), *available at* <http://edocket.access.gpo.gov/2010/2010-10286.htm>.
- 6.6. Privacy Impact Assessment for the Enforcement Integrated Database (EID) (January 14, 2010), *available at* <http://tinyurl.com/4llxoga>.
- 6.7. Memorandum from David J. Venturella on Fiscal Year 2010 Criminal Alien Program Goals to Field Office Directors and Deputy Field Office Directors (Jan. 5, 2010) *available at* [2010_01_05_fy2010cap-goals.pdf](#)
7. **Attachments.** None
8. **No Private Right Statement.** This Directive is an internal policy statement of ICE. It is not intended to, and does not create any rights, privileges, or benefits, substantive or procedural, enforceable by any party against the United States; its departments, agencies, or other entities; its officers or employees; contractors or any other person.



Gary Mead
Executive Associate Director
Enforcement and Removal Operations
U.S. Immigration and Customs Enforcement